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October 4, 2023

VIA ECF

Hon. Alvin K. Hellerstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

The motion is granted. The Clerk of Court shall maintain the seal of ECF No. 204 and 206 to be viewable only by the parties and Court personnel. The Clerk shall terminate ECF No. 202.

SO ORDERED.

Dated: 5/14/24
New York, New York

/s/ Alvin K. Hellerstein
Alvin K. Hellerstein
United States District Judge

Re: *The Avon Company f/k/a New Avon LLC et al. v. Fareva Morton Grove, Inc. et al.*, Case No. 22-cv-4724

Dear Judge Hellerstein:

We represent Plaintiffs The Avon Company f/k/a New Avon LLC and LG H&H Co., Ltd. f/k/a LG Household & Health Care, Ltd. (collectively, "Avon") in the above-referenced matter.

We write to respectfully request that the Court enter an Order to maintain under seal the documents discussed below, which Avon is submitting in support of its opposition to Fareva Morton Grove, Inc. and Fareva S.A.'s (collectively, "Defendants") Motion to Compel, dated October 4, 2023, filed contemporaneously herewith. Copies of these documents are being contemporaneously filed under seal pursuant to the Court's standing order, 19-mc-00583, and this Court's Individual Rule 4(B)(ii). In support of this Letter Motion, Avon states as follows:

On October 7, 2022, the Court entered a Stipulated Confidentiality Agreement and Protective Order (the "Protective Order"). (ECF No. 65.) The Protective Order permits either party to designate Discovery Material as "Confidential" or "Attorneys' Eyes Only," and provides that information so designated may not be disclosed except as expressly permitted under the Protective Order. (ECF No. 65 at ¶¶ 2, 12.)

Pursuant to Section 11.1 of the parties' Manufacturing and Supply Agreement (the "MSA"), the parties are required to "keep completely confidential and not publish or otherwise disclose and not use, directly or indirectly, for any purpose, any Confidential Information furnished or otherwise made known to it, directly or indirectly, by or on behalf of the other Party[.]" (ECF No. 7-1 at §11.1.) The MSA defines "Confidential Information" as "any information provided by or on behalf of one Party . . . relating to the terms of this Agreement[.]" (ECF No. 7-1 at Definitions.)

In support of its Opposition to Defendants' Motion to Compel, Avon intends to submit a copy of

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an email and attachment that Avon produced in this action, bearing Bates numbers AVON0077791 through AVON0077792, which relate to Avon's calculations of Net Service Level Payments ("NSLPs") pursuant to Schedule D of the MSA. Avon designated this document as "Confidential" in accordance with Section 11.1 of the MSA.

Avon also intends to submit a Memorandum of Law in Opposition to Defendants' Motion to Compel that quotes: (i) an additional document produced by Avon in this action and designated as "Confidential" in accordance with Section 11.1 of the MSA, which similarly references Avon's calculations of NSLPs, and which Fareva filed under seal in connection with its Motion to Compel (ECF No. 201-14), and (ii) a document produced by Fareva in this action and designated as "Confidential," which Avon previously filed under seal in connection with its Motion for Partial Summary Judgment (ECF No. 136-9).

Accordingly, Avon respectfully requests that the Court maintain under seal (1) the email and attachment referenced above, and (2) portions of Avon's Memorandum of Law in Opposition to Defendants' Motion to Compel that reference or quote the documents previously filed under seal as ECF Nos. 136-9 and 201-14.

Thank you in advance for your consideration of this request.

Respectfully submitted,

/s/ Robert I. Steiner
Robert I. Steiner

cc: All Counsel of Record (via ECF)